IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20252 of 2004

Between:

Smt. P. Laxmamma, W/o. Sri Narsi Reddy, Manager,
Head Office The Nalgonda District Co.op. Central Bank Ltd. Nalgonda, R/o 4-2-45,
APHB Colony, Nalgonda.

..... PETITIONER

AND

1 The District Collector/Person-incharge Chairman/ Appellate
Authority, the Nalgonda Dist. Co-op.Central Bank Ltd.
Nalgonda, Nalgonda District.
2 The General Manager, The Nalgonda Dist. Co-op.Central Bank
Ltd. Nalgonda, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue a writ or order or direction more in the nature of writ of Mandamus declaring the impugned order of the respondent No.2 passed in his proceedings Rc.No.Estt/Accounts-I/F.1699/2004-05 dated 26.07.2004 awarding the punishment reducing the petitioner's basic pay to the minimum of Rs.2650/- with immediate effect and non-disposal of the appeal dated 24.8.2004 by the appellate authority namely; respondent No.1 herein as illegal, arbitrary and in violation of Articles 14 and 16 of the Constitution of India and also violative of Award provisions under Rule 6 Chapter No.XIII besides being violative of principles of natural justice; while issuing a consequential direction to the respondents to continue the petitioner in the regular scale of pay at Rs.3490/- with all attendant and consequential benefits in the interest of justice.

Counsel for the Petitioner: Mr. D.GOVARDHANACHARY

Counsel for the Respondent No.1 The Govt. : Pleader for Co- operation.

Counsel for the Respondent No. 2 : Mr. T.AMARNATH GOUD

The Court at the admission stage made the following ORDER:

The petitioner is working as a Manager in the Head Office of the 2nd respondent -Bank. She was issued a charge memo making certain allegations of financial irregularities. The charges were held proved. But, the grievance of the petitioner is that she was not furnished with any enquiry report. The petitioner further contends that she was issued another charge memo on 07-10-2003 on the allegation of misappropriation and that charge was also held proved without giving the petitioner an opportunity. The petitioner, therefore, preferred an appeal before the 1st respondent on

23-08-2004 and it is pending with the 1st respondent for appropriate orders. During the pendency of the said appeal, the petitioner approached this Court through this Writ Petition challenging the award of imposition of punishment imposed by the 2nd respondent.

The petitioner having availed the statutory remedy of appeal before the 1st respondent is not expected to approach this Court through this Writ Petition by way of a parallel proceeding. Therefore, the Writ Petition cannot be maintained at this stage. Since the petitioner is contending that the 1st respondent did not dispose of the appeal within the period provided under the relevant rules, the 1st respondent is directed to dispose of the appeal dated

23-08-2004 within four weeks from the date of receipt of a copy of this order by passing appropriate orders according to the rules in force.

Accordingly, the Writ Petition is disposed of.

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(Dr. G.YETHIRAJULU,J)

4th November, 2004.

Note:

Furnish C.C. within three days.

B/o

Tsy

To

1 The District Collector/Person-incharge Chairman/ Appellate Authority, the Nalgonda Dist. Co-op.Central Bank Ltd. Nalgonda, Nalgonda District.

2 The General Manager, The Nalgonda Dist. Co-op.Central Bank Ltd. Nalgonda, Nalgonda District.

3 Two CCs to the GP for Co-operation, High Court of A.P.,

Hyderabad (O.U.T.)

4 Two CD Copies.